REMARKS

In the Official Action Dated October 14, 2009, the Office rejected various claims under 35 U.S.C. § 112.

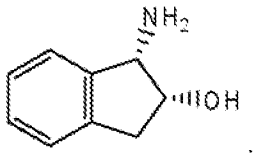
In this paper, Applicants have responded to each of the claim rejections. All amendments have been made to place the claims in condition for allowance.

These amendments are all supported by the specification as filed. No new matter has been added. Applicants preserve the right to file continuing patent applications on any subject matter that has been cancelled from the claims, including any cancelled claims.

Rejections under 35 U.S.C. § 112, 1st Paragraph

The Office rejected claims 9 and 31 under 35 U.S.C. § 112, first paragraph, alleging that that a ring comprising from three two seven is not enabled. The Examiner alleges that such a ring system could comprise any possible known atom in the periodic table. Applicants respectfully traverse.

For purposes of expediting prosecution, Applicants have amended the definition of R^1 and R^2 to include the possibility of pairing two of R^1, together with the corresponding atom or atoms of the ring to which they are attached, to form a second ring comprising between three and seven annular carbon atoms, said ring optionally substituted with between zero and three of R^1. This amendment has defined the annular ring atoms as annular carbon atoms in claim 9, and this amendment is supported by the compounds disclosed in the instant application. Such a ring system can be made as described within the Examples and Schemes of the instant specification, and by substituting materials one of ordinary skill in the art would be able to do, at the time this application was filed, to arrive at the compounds of the claimed invention. For Example, Example 3, paragraphs 247-248 of the specification describes how to add one of such fused ring systems. The fused ring system added in this example is 1S, 2R-(-)-cis-1-amino-2-indanol, which is being added as a reactant in paragraph [0248]. This reactant (1S, 2R-(-)-cis-1-amino-2-indanol) has the following structure:



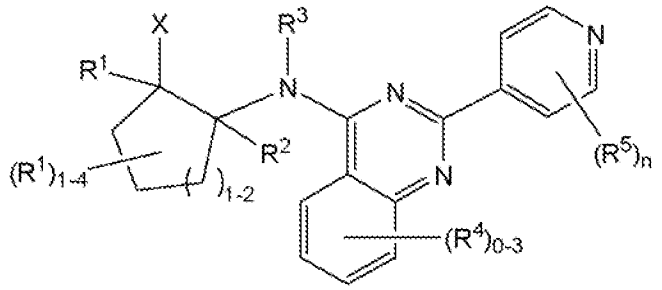
One of ordinary skill in the art would have been able to obtain and substitute other fused ring systems, including the ring systems as defined within amended claim 9, as reactants. Such substitutable reactants for (1S, 2R-(-)-cis-1-amino-2-indanol) can be obtained either by commercial means or by synthesizing them according to methods known to one skilled in the art at the time the instant application was filed.

Accordingly, this rejection has been obviated. Applicants respectfully request reconsideration and removal of this rejection.

Rejections under 35 U.S.C. § 112, 2nd Paragraph

The Office rejected claim 9 and 31 under 35 U.S.C. § 112, second paragraph, alleging that the proviso "with the proviso that when X is oxo, thiono, or imino, there is only one R^{1}" is indefinite.

For the sole purpose of expediting prosecution, Applicants have deleted this proviso thereby rendering this rejection moot. Applicants wish to point out to the Examiner that 1-4 R^1 groups can occur [i.e., $(R^1)_{1-4}$] on other carbon atoms on the ring system as shown in formula IV in claim 9 below except on the carbon atom attached to X when X is oxo, thiono, or imino.



Accordingly, this rejection has been obviated. Applicants respectfully request reconsideration and removal of this rejection.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance, which action is earnestly solicited.

No fees are believed to be due in order to process this document and any paper attached. Should the U.S. Patent Office determine that an extension of time and/or other relief is required at this time, the Commissioner is authorized to charge the cost of such relief and/or fees to Deposit Account No. 50-1108, referencing EX04-019C-US.

Respectfully submitted,

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